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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047162
Party	Plaintiff Fresh Express Incorporated
Correspondence Address	E. Lynn Perry Perry IP Group 100 Drakes Landing Road, Suite 100 Greenbrae, CA 94904 UNITED STATES lp@perryip.com
Submission	Motion to Reopen
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Date	03/18/2008
Attachments	080318 Motion to Reopen.pdf (3 pages)(33759 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FRESH EXPRESS INCORPORATED,

Petitioner,

v.

SUPREME OIL COMPANY,

Respondent.

Cancellation No.: 92047162

Reg. No. 1,758,520

Issued: March 16, 1993

Mark: SALAD BAR

PETITIONER'S MOTION TO REOPEN

Pursuant to C.F.R. 2.127, FRESH EXPRESS INCORPORATED ("Petitioner") hereby moves to reopen the above-captioned proceeding, whose suspension was requested by Respondent SUPREME OIL COMPANY ("Respondent").

Respondent's attorney represented that Petitioner had consented to a suspension of the proceedings. In fact, Petitioner had consented only to a 30 day extension of the close of discovery.

Discovery has been open for nearly a year. During that time, Respondent has taken no discovery. Petitioner served a set of Interrogatories 1-21, Requests for Production 1-22, and Requests for Admission 1-104 on Respondent on September 10, 2007. To date, Respondent has not responded to the discovery served except to produce copies of 7 undated labels for products. Respondent's attorney has promised responses for several months, but has not requested an extension to respond to the outstanding discovery since November. Therefore, objections are waived and the Requests for Admissions are deemed admitted.

Petitioner has, however, stipulated to one last 30 day extension of the discovery period. It is therefore requested that the proceeding be re-opened, and that the discovery deadline be set for April 15, 2008 and the remaining dates set as follows:

Close of Discovery	April 15, 2008
30 Day Testimony Period for party in position of plaintiff to close	July 14, 2008
30 Day Testimony Period for party in position of defendant to close	September 12, 2008
15 Day Rebuttal Testimony Period for party in position of plaintiff to close	October 27, 2008

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E. Lynn Perry".

E. Lynn Perry

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing

PETITIONER'S MOTION TO REOPEN

was served by delivering a true and correct copy of same via First Class Mail on the date indicated below, upon the following:

Frederick W. Meyers
Amanda M. Roach
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, IL 60604

March 18, 2008

A handwritten signature in cursive script, appearing to read "E. Lynn Perry".

E. Lynn Perry